



Billing Code: 3510-DS-P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

A-570-970

Multilayered Wood Flooring from the People's Republic of China: Final Results of Expedited First Sunset Review of Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration,  
Department of Commerce

SUMMARY: As a result of this sunset review, the Department of Commerce ("the Department") finds that revocation of the antidumping duty ("AD") order on multilayered wood flooring ("MLWF") from the People's Republic of China ("PRC") would be likely to lead to continuation or recurrence of dumping at the level identified in the "Final Results of Review" section of this notice.

DATES: Effective [INSERT DATE OF SIGNATURE IN THE *FEDERAL REGISTER*]

FOR FURTHER INFORMATION CONTACT: Maliha Khan, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0895.

SUPPLEMENTARY INFORMATION:

On December 8, 2011, the Department published the AD Order on MLWF from the PRC.<sup>1</sup> On November 1, 2016, the Department initiated the first sunset review of the AD Order, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act").<sup>2</sup> On November 16,

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<sup>1</sup> See *Multilayered Wood Flooring from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 76 FR 76690 (December 8, 2011) ("AD Order").

<sup>2</sup> See *Initiation of Five-Year ("Sunset") Review*, 81 FR 75808 (November 1, 2016).

2016, the Department received a notice of intent to participate in this review from Coalition for American Hardwood Parity (“CAHP”), an ad hoc association of domestic manufacturers of MLWF, within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> CAHP claimed interested party status under sections 771(9)(C) and (F) of the Act as a manufacturer in the United States of a domestic like product as well as an association whose members are interested parties. On December 1, 2016, the Department received a complete and adequate substantive response from CAHP within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>4</sup> The Department received no substantive responses from respondent interested parties with respect to the AD Order. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the AD Order.

#### SCOPE OF THE ORDER:

The products covered by the AD Order are multilayered wood flooring composed of an assembly of two or more layers or plies of wood veneer(s) in combination with a core. All multilayered wood flooring is included within the definition of subject merchandise, without regard to: dimension (overall thickness, thickness of face ply, thickness of back ply, thickness of core, and thickness of inner plies; width; and length); wood species used for the face, back, and inner veneers; core composition; and face grade. Multilayered wood flooring included within the definition of subject merchandise may be unfinished (*i.e.*, without a finally finished surface to protect the face veneer from wear and tear) or “prefinished” (*i.e.*, a coating applied to the face veneer, including, but not exclusively, oil or oil-modified or water-based polyurethanes, ultra-

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<sup>3</sup> See Letter from CAHP to the Department, “Petitioners’ Notice of Intent to Participate: Five-Year (“Sunset”) Review: Multilayered Wood Flooring from the People’s Republic of China” (November 16, 2016).

<sup>4</sup> See Letter from CAHP to the Department, “Petitioners’ Substantive Response: Five-Year (“Sunset”) Review: Multilayered Wood Flooring from the People’s Republic of China” (December 1, 2016) (“CAHP Substantive Response”).

violet light cured polyurethanes, wax, epoxy-ester finishes, moisture-cured urethanes and acid-curing formaldehyde finishes). The veneers may be also soaked in an acrylic-impregnated finish. All multilayered wood flooring is included within the definition of subject merchandise regardless of whether the face (or back) of the product is smooth, wire brushed, distressed by any method or multiple methods, or hand-scraped. In addition, all multilayered wood flooring is included within the definition of subject merchandise regardless of whether or not it is manufactured with any interlocking or connecting mechanism (for example, tongue-and-groove construction or locking joints). All multilayered wood flooring is included within the definition of the subject merchandise regardless of whether the product meets a particular industry or similar standard.

The core of multilayered wood flooring may be composed of a range of materials, including but not limited to hardwood or softwood veneer, particleboard, medium-density fiberboard, high-density fiberboard (“HDF”), stone and/or plastic composite, or strips of lumber placed edge-to-edge.

Multilayered wood flooring products generally, but not exclusively, may be in the form of a strip, plank, or other geometrical patterns (*e.g.*, circular, hexagonal). All multilayered wood flooring products are included within this definition regardless of the actual or nominal dimensions or form of the product.

Specifically excluded from the scope are cork flooring and bamboo flooring, regardless of whether any of the sub-surface layers of either flooring are made from wood. Also excluded is laminate flooring. Laminate flooring consists of a top wear layer sheet not made of wood, a decorative paper layer, a core-layer of HDF, and a stabilizing bottom layer.

Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (“HTSUS”): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.<sup>5</sup>

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

#### ANALYSIS OF COMMENTS RECEIVED:

A complete discussion of all issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the AD Order and the

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<sup>5</sup> See Letter to the File from Lilit Astvatsatryan, Case Analyst, Enforcement and Compliance, Office IV, regarding “Multilayered Wood Flooring from the PRC, Modification of the Case Reference File in ACE” (November 18, 2013).

magnitude of the margins likely to prevail if the order were revoked, is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.<sup>6</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frnl>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

#### FINAL RESULTS OF SUNSET REVIEW:

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the AD Order would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 25.62 percent.

#### NOTIFICATION TO INTERESTED PARTIES:

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a

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<sup>6</sup> See Memorandum from James Maeder, Senior Director, Office I, Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Multilayered Wood Flooring from the People's Republic of China," dated concurrently with this notice (Issues and Decision Memorandum).

violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751 (c), 752(c), and 777(i)(1) of the Act, 19 CFR 351.218, and 19 CFR 351.221(c)(5)(ii).

*/S/ Ronald K. Lorentzen*

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Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

March 1, 2017

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(Date)

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
  - II. Background
  - III. Scope of the Order
  - IV. History of the Order
  - V. Legal Framework
  - VI. Discussion of the Issues
    - 1. Likelihood of Continuation or Recurrence of Dumping
    - 2. Magnitude of the Margins Likely to Prevail
  - VII. Final Results of Sunset Review
  - VIII. Recommendation
- [FR Doc. 2017-04640 Filed: 3/8/2017 8:45 am; Publication Date: 3/9/2017]